


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  O.C.
05 MAY 25 PM 3:46

ROBERT A. D'IGNAZIO
CLERK, U.S. DIST. CT.
W.D. OF TN. MEMPHIS

DEBORAH THORNTON,

Plaintiff,

vs.

FEDERAL EXPRESS CORPORATION

d/b/a FEDEX EXPRESS,

Defendant.

Case No. 05-2247-BAN

RULE 16(b) SCHEDULING ORDER

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, counsel for the parties in the above-captioned matter conferred by telephone on May 12, 2005.

Participating in this Rule 26(f) conference were Maureen T. Holland, counsel for Plaintiff, and Karen Vaughan McManus, counsel for Defendant.

At the Rule 26(f) conference, the following dates were established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)):

Within 14 days after the noticed Rule 16(b) Scheduling Conference, by **June 15, 2005.**

JOINING PARTIES:

For Plaintiff: Within 2 months after the noticed Rule 16(b) Scheduling Conference, by **August 1, 2005.**



For Defendant: Within 3 months after the noticed Rule 16(b) Scheduling Conference, by **September 1, 2005**.

AMENDING PLEADINGS:

For Plaintiff: Within 2 months after the noticed Rule 16(b) Scheduling Conference, by **August 1, 2005**.

For Defendant: Within 3 months after the noticed Rule 16(b) Scheduling Conference, by **September 1, 2005**.

COMPLETING ALL DISCOVERY:

Within 8 months after the Rule 16(b) Scheduling conference, by **February 1, 2006**.

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and REQUESTS FOR ADMISSIONS:** Within 8 months after the Rule 16(b) Scheduling Conference, by **February 1, 2006**.

(b) **EXPERT DISCLOSURE (Rule 26(a)(2)):**

(i) **Plaintiff's Experts:** No later than 2 months before close of discovery, by **December 1, 2005**.

(ii) **Defendant's Experts:** No later than 1 month before close of discovery, by **January 2, 2006**.

(iii) **Supplementation under Rule 26(e):** Within 10 days after Defendant's disclosure.

(c) **DEPOSITIONS OF EXPERTS:**

Same as discovery deadline (by **February 1, 2006**) unless a later date is authorized by the Court due to special circumstances.

FILING DISPOSITIVE MOTIONS:

Within 1 month after close of discovery, by **March 1, 2006**.

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) **For Plaintiff:** 45 days before trial
- (b) **For Defendant:** 30 days before trial

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 2 to 3 days. The presiding judge will set this matter for **NON-JURY TRIAL**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
United States Magistrate Judge

Date: May 25, 2005

PROPOSED BY:

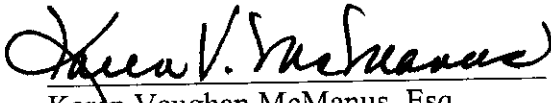

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Signed by Karen Vaughan McManus
with express permission

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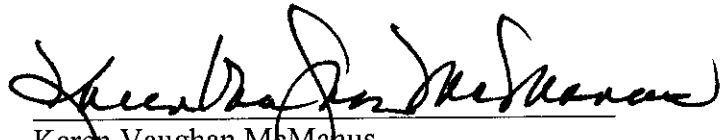
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was served by () electronic filing notice, () Regular U.S. Mail, first-class postage prepaid, () Certified U.S. Mail, first-class postage prepaid and return receipt requested, () facsimile, (☒) FedEx delivery, and/or () hand-delivery, on the 18th day of May, 2005, addressed to the following:

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Karen Vaughan McMahon
Counsel for Defendant



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02247 was distributed by fax, mail, or direct printing on June 6, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT